

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SARA KIELLY,

Plaintiff,

-against-

SEAN P. DONOVAN – NYSDOCCS C.O.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/11/2023

7:22-CV-8981 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who is currently incarcerated at Bedford Hills Correctional Facility, brings this action *pro se*. By order dated October 24, 2022, Plaintiff was directed to either (1) pay \$402.00 in fees to commence the action or (2) request authorization to proceed *in forma pauperis* (IFP). (ECF No. 3.) Plaintiff filed a motion, dated November 10, 2022, explaining Plaintiff's inability to access her inmate funds account to pay the filing fees and requesting this Court direct the disbursement of funds from that account. (ECF No. 5.) To that end, this Court ordered the New York State Office of the Attorney General ("NYAG") to show cause why Plaintiff's request to disburse funds had not yet been approved. (ECF No. 7.) In a letter dated January 11, 2023 (ECF No. 8), NYAG informed the Court the correctional facility had "no record of Plaintiff submitting a disbursement request for filing fees until December 28, 2022." On January 4, 2022, Plaintiff paid the fees to commence this action. Accordingly, Plaintiff's motion is mooted.

The Clerk of Court is directed to issue a summons as to Defendant Sean P. Donovan. Plaintiff is directed to serve the summons and complaint on Defendant Donovan within 90 days of the issuance of the summons. As stated in the NYAG's January 11, 2023 letter (ECF No. 8) responding to this Court's *Valentin* Order (ECF No. 7), Defendant's address is as follows:

Woodbourne Correctional Facility
99 Prison Road, P.O. Box 1000

Woodbourne, New York 12788-1000

If within those 90 days, Plaintiff has not either served Defendant Donovan or requested an extension of time to do so, the Court may dismiss the claims against Defendant Donovan under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 5. The Clerk of Court is respectfully directed to mail a copy of this Order to *pro se* Plaintiff at Plaintiff's address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: January 11, 2023
White Plains, NY

A handwritten signature in blue ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN, U.S.D.J.